The British Columbia Marketing Board

Issues and Challenges

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This report is a review of the British Columbia Marketing Board's present role and function. It provides a description of the Board's existing relationship to the province's commodity marketing boards and commissions and to the British Columbia Ministry of Agriculture and Fisheries. It also identifies some problems associated with the existing state of affairs and offers some recommendations on how the British Columbia Marketing Board might be repositioned to better serve both the agriculture industry and consumers.

Any serious discussion of the British Columbia Marketing Board's role and function must inevitably take account of the rapidly changing environment in the agriculture industry and the continuing public controversy surrounding regulated marketing and supply management. This report, however, does not seek to analyze these subjects, identify the points of controversy, or recommend a particular course of action to resolve current supply management and regulated marketing problems.

The view adopted here is that these matters are best addressed by a reorganized Super Board and by the British Columbia Ministry of Agriculture and Fisheries following further consultation with the agriculture industry and the public. A workable plan for addressing the future of supply management and regulated marketing in British Columbia requires a degree of consensus that will only emerge through further public discussion and an appreciation for the pressures on all parties.

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British Columbia's Marketing Boards

The British Columbia Marketing Board (BCMB) was created in 1935. It was originally set up to supervise and regulate the individual provincial commodity marketing boards – ensuring that they operated fairly and within the law. The most recent reorganization of the Board occurred in 1974, at which time the BCMB was granted expanded powers. Under the *Natural Products Marketing (BC) Act*, the BCMB currently supervises the general operations of 13 commodity marketing boards and commissions in British Columbia:

Board/Commission	Year Organized
Tree Fruit Marketing Board	1934
Milk Marketing Board	1956
Chicken Marketing Board	1962
Oyster Board	1964
Mushroom Marketing Board	1966
Turkey Marketing Board	1966
Egg Marketing Board	1967
Cranberry Marketing Board	1968
Grape Marketing Board	1970
Sheep and Wool Commission	1974
Hog Marketing Commission	1980
Vegetable Marketing Commission	1980
Broiler Hatching Egg Commission	1988

Present Concerns and Recommendations

Recent events have highlighted a number of issues with respect to the British Columbia Marketing Board. The following are specific concerns, accompanied by recommendations that are variously addressed to the British Columbia Marketing Board, the British Columbia Ministry of Agriculture and Fisheries, and the government of British Columbia.

Confusion Concerning the Degree of Government Commitment to Regulated Marketing

Currently, there is uncertainty among the general public and within the agricultural community of British Columbia regarding the B.C. government's commitment to regulated marketing. In *Growing Together – A Vision for Canada's Agri-Food Industry*, the federal government recently stated that its commitment to supply management is firm and that supply management is an integral part of its long-term agricultural policy. A similar statement of support by the B.C. government would alleviate some of the distrust and uncertainty that exists in the province.

Therefore, it is recommended that the Minister of Agriculture and Fisheries publicly reaffirm the provincial government's support for regulated marketing.

Role of the BCMB Unclear

In an extensive research program undertaken for the B.C. Legislature by its Select Standing Committee on Agriculture (*Marketing Boards in British Columbia – Research Report*, Volume 1 – Phase II, January 1979), the Committee reported:

> The objectives of the B.C. Marketing Board have not been laid out clearly in the Legislation, nor have they subsequently been defined in any precise way. As a result of discussions held with members of the B.C. Marketing Board, the research staff identified the following objectives:
>
> - to review the administrative and operational decisions of the individual provincial commodity boards to ensure that producers' and consumers' interests are protected
>
> - to act as an appeal body for any individual or organization with a grievance against a commodity marketing board
>
> - to monitor supply management schemes to ensure they do not restrict the entry of potential producers into a market
>
> - to review individual commodity marketing board orders to ensure that they do not violate existing legislation, exceed the power and authority of the boards, or negatively affect individual producers and minority groups of producers.

Therefore, it is recommended that

a) the Board assist in clarifying the role of the BCMB by reviewing these objectives and modifying them if necessary

b) the government give consideration to amending the legislation to include specific objectives for the BCMB.

Need for Additional Representation on the BCMB

The rapid changes presently occurring in the agriculture industry and the demands associated with achieving the objectives identified earlier for the BCMB are likely to cause an increase in the Board's workload.

Further, there is a feeling in various sectors of the agricultural community that the various parties who have an interest in the province's marketing system should work more closely together. To facilitate greater involvement from all interested parties, the BCMB requires representation from processors as well as consumers.

Therefore, it is recommended that

a) the number of BCMB members be increased by two at this time

b) any new members joining the BCMB be chosen to give the Board greater representation from consumers and from sectors of the agriculture and food industry that are not currently represented (representation from the Ministry is not recommended).

Need for Increased BCMB Staff Resources

Given the BCMB's workload, the BCMB objectives cited in this report, and the recommendation that the BCMB become more independent of the B.C. Ministry of Agriculture and Fisheries (see later recommendation), more staff support is required. Already, the existing administrative officer is expected to carry out an unrealistic number of diverse tasks.

The accompanying organization chart (Figure 1) outlines the type of staff structure that is needed, and Appendix A lists the specific responsibilities that could be assigned to each staff position. This proposed structure requires the addition of two staff persons to the existing complement.

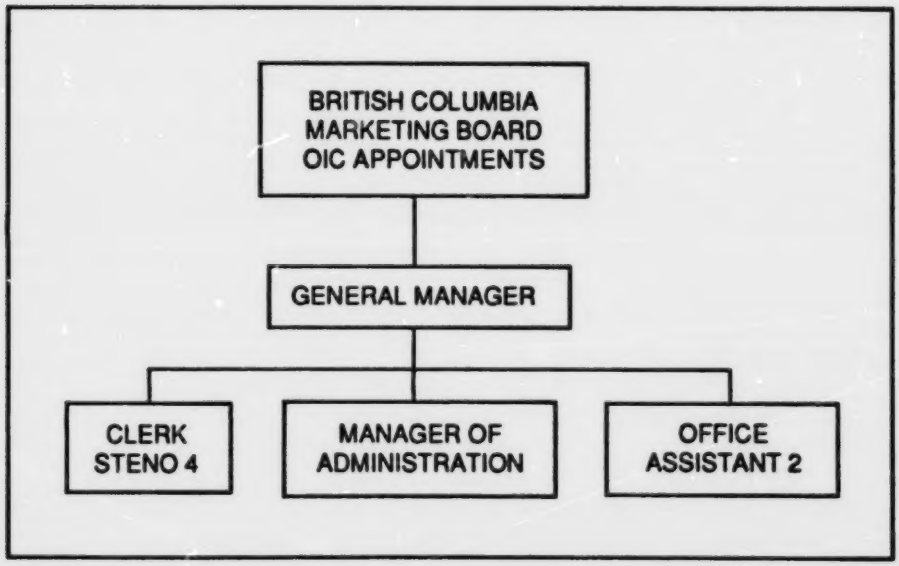

Figure 1

The full-time General Manager position that is proposed under this organizational structure should be filled immediately. Key requirements for the position include

- knowledge and experience related to supply management and marketing boards
- demonstrated management, organizational, and interpersonal skills.

Therefore, it is recommended that

a) the BCMB take steps to fill the General Manager position immediately

b) classification and hiring for the other positions be completed as soon as possible.

Relationship of the BCMB to the BCMAF Not Sufficiently Defined

According to a recent submission to the BCMB from the British Columbia Council of Marketing Boards (COMB)

> there has been a widespread indefinite perception on the part of COMB members that the BCMB has become a vehicle for government policy implementation.

This perception by COMB members and others within the agricultural community underlines the need for the BCMB to display a greater degree of autonomy in relation to the Ministry. For the BCMB to achieve such autonomy and effectively accomplish its objectives

- all of the industry players must be made aware of the independence of the BCMB
- Ministry staff must refer to the BCMB issues that fall within the Board's purview
- commodity boards that have a concern regarding matters before the BCMB should contact the BCMB directly instead of attempting to influence decisions of the BCMB through the Ministry
- the BCMB should continue to deal with matters objectively and independently of the Ministry and must be able to seek input from the boards and commissions as well as the BCMAF.

Therefore, it is recommended that

a) **the office of the BCMB be moved to a separate location from the offices of the BCMAF, but remain in Victoria at this time to ensure continuity of operations (it is also important that the Chairperson enjoy proximity to the Minister's office). If experience indicates that moving to the Mainland would be advantageous, such a move could be accomplished in stages.**

b) **the BCMB review the COMB submission (Appendix B) carefully for consideration of suggestions not covered in this report. Considering the time, effort, and involvement of the commodity board representatives in the development of their submission, it warrants further study by the BCMB.**

Need to Clarify the Role of the BCMAF

It should be clearly understood that government sets policy and that it has established the BCMB to carry out an assigned role (the recommendations related to the objectives of the BCMB should help to clarify this role).

In order to carry out its responsibility in policy and marketing development, the Ministry requires additional resources and access to pertinent information.

Liaison with all of the key players within the industry (including liaison with the BCMB that respects its independent role) is crucial.

Therefore it is recommended that

a) the Ministry of Agriculture and Fisheries retain and exercise responsibility for regulated marketing policy development and maintain the capacity for policy analysis and research (two extra FTEs may be required to do the job adequately, given the fast-changing environment in the agriculture industry).

b) the Ministry meet with the COMB and key players in the industry to devise a method for sharing information of benefit to everyone.

c) clearly defined guidelines for liaison between the BCMB and BCMAF be developed.

Need for Increased BCMB Financial Resources

In order to carry out the previous recommendations related to the relationship of the BCMB to the BCMAF, consideration must be given to the positioning of the BCMB within government and to BCMB funding requirements. Adequate funding is essential if the BCMB is to function effectively.

An arrangement similar to the one that exists for the Gaming Commission (whose funds are authorized by a specific vote) should be considered. Other options for funding include

- status quo (funding through the BCMAF)
- shared industry-government funding (this latter option would be met with considerable resistance).

Whichever route is taken, additional funds are needed for

- independent research, training services (see later recommendation), and education
- addition of two extra full-time staff members
- establishment of offices separate from the offices of the BCMAF (see previous recommendation)
- addition of two more board members.

Therefore, it is recommended that the BCMB and the BCMAF immediately undertake an examination of

a) the feasibility of separating the offices of the BCMB from the offices of the BCMAF

b) the estimated costs of required additional resources

c) the available financing alternatives.

Number of Appeals Becoming Excessive

At present, the British Columbia Marketing Board must hear all appeals of particular commodity board and commission decisions. Over the past ten years, there has been a gradual, overall increase in the number of appeals addressed to the BCMB (see accompanying Figure 2).

Year	Number of Appeals
1980	4
1981	7
1982	1
1983	3
1984	10
1985	1
1986	4
1987	13
1988	4
1989	10
1990	10

Figure 2

Many marketing board appeals are related to questionable administrative practices and lack of communication between boards and individual producers. A solution was recently proposed in an address to the COMB by the Board's chairperson, Ms. Donna Iverson:

in rendering a decision you may want to consider a meeting with the producer to give him/her a full explanation of

- your decision-making process
- the provisions of the scheme or your general orders which apply to the situation
- the factors you took into consideration
- an explanation of how that producer's situation compares or differs from others
- other options that may be available to the producer.

The work of some commodity boards and commissions could benefit from the adoption of an improved decision-making process and more attention to how decisions are communicated to producers. Additionally, in order to forestall the need for appeals, boards should, whenever possible, seek input from parties who will be affected by decisions before the decision is made.

Beyond this, the BCMB could discourage frivolous, unnecessary appeals by

- increasing the deposit for an appeal

- adopting the procedures set out in "Guidelines for the Disposition of Complaints Made Pursuant to the *Farm Products Marketing Agencies Act*," October 1988 (see Appendix C for relevant portions); adoption of these procedures would give the Board three specific grounds for declining to hear an appeal

- providing for "pre-trial conferences" (this would also assist in reducing the length of appeals by narrowing issues)

- imposing costs in cases where appeals are determined to have been frivolous, etc.

Adoption of all of these proposals, except perhaps the proposal to institute pre-trial conferences, would require changes to the legislation.

In order to minimize costs and maximize its efficiency in dealing with genuine appeals that have been filed, the BCMB could further decide the manner in which an appeal should be heard (e.g., by considering only affidavit evidence/written submissions). In addition, "Guidelines Respecting the Mediation of Disputes Involving Agencies Established Pursuant to the *Farm Products Marketing Agencies Act*," May 1989 (see Appendix D) could be adopted.

Therefore, it is recommended that the BCMB and the government of British Columbia consider these proposals and make any necessary legislative and administrative changes needed to adopt the suggested measures.

Need for an Expanded Knowledge Base for BCMB Members

A need has been established for regular seminars for staff and members of all boards and commissions, including the BCMB. The seminars should address the following issues:

- orientation of new Board members
- understanding of roles and responsibilities
- communications, marketing, and public relations issues related to the work of the BCMB.

The Council of Marketing Boards is eager to collaborate with the BCMB to develop and manage such seminars (see Appendix E for a sample seminar outline prepared by the COMB in January, 1990).

Therefore, it is recommended that the BCMB, in collaboration with the COMB and the Ministry of Agriculture and Fisheries, make immediate plans to hold regular seminars for board and staff members.

More Effective Public Relations Required

Current literature, industry periodicals, and discussions with members of the various commodity boards indicate that the positive role played by supply management and regulated marketing is not fully recognized.

The regulated marketing system is under increasing scrutiny, and much of the information passed on to the public is perceived as being misleading. Efforts should, therefore, be made to inform the consumer in appropriate ways of the advantages of the regulated marketing system.

All stakeholders have a role to play. All have their "publics," and consideration should be given to involving these stakeholders in the communications effort in imaginative ways.

Therefore, it is recommended that

a) an annual report of BCMB activities again be regularly published (the last annual report was for 1983)

b) commodity boards inform the public, at appropriate intervals, of their decisions, as well as their contribution to food supply and to the economy (prior to such public relations initiatives, consultation with the COMB is essential)

c) plans be developed to enhance the lines of communication between producers, marketing boards, and consumers.

Future Considerations

This review has focussed on the marketing boards – their operations and relationships with government; however, the author would be remiss if he neglected to note other observations as a result of meetings with all of the commodity boards, attending a number of hearings, and a review of considerable documentation – including minutes, previous studies, and reports.

The Planning Process

Individual marketing boards have highlighted consultation, clear statements of government policy, agreement on objectives, and adherence to the essential elements of sound planning as necessary ingredients to the formulation of a strategic plan. In addition, the following essential elements should be included:

- senior management must be committed to the planning process
- an open environment must be created that encourages participation and builds trust between all of the players
- funding and personnel resources must be committed to ensure that the plan is not simply relegated to the growing list of studies and reports on regulated marketing
- the planning group must formulate and agree on clear and attainable objectives; expected results must be determined at the outset
- the plan must address existing issues in the light of future expectations, not simply in light of past experience and facts

- the process must include realistic input from those who will be affected by the plan (i.e., both consumers and producers)
- strategies and the rationale behind them must be communicated to all of the key decision-making managers
- Ministry staff, boards, and producers must all be committed to the implementation of the plan
- strategies should be reviewed regularly – not less than once each year.

The Next Steps

Although it has not been made a specific recommendation in this report, it is apparent to the author that now is the time for the Ministry to enter into discussions with the boards and key players in the industry, discuss the concept of a plan, as noted above, and appoint a representative interim working group to come forward with a proposed outline and suggestions for membership on the planning team.

Given the right approach, this could be the appropriate time to explore a collaborative initiative in developing a strategic plan for the agriculture industry in British Columbia. The reaction to the recently released Blue Book by the commodity boards and the agricultural community, however, underlines the need for collaboration in the initial stages of plan development.

Although the Blue Book was clearly identified as a discussion document, it was not received as such in the field. Some boards accepted it with little concern, some had concerns regarding specific sections, and still others regarded it as a direct statement of government policy. Despite meetings with the COMB and numerous meetings arranged by individual boards with industry associations, the industry and some boards did not

feel that the consultation had been sufficient. Their strong reaction and the current feelings of distrust and anxiety in the field emphasize the importance of establishing a more consultative process in future planning.

British Columbia's changing business environment, influenced by free trade and continuing trade and tariff discussions, has intensified the ongoing controversy surrounding regulated marketing development in this province. Regulated marketing and supply management practices are firmly established within British Columbia's agriculture industry; however, there is a feeling of uncertainty and, in some cases, fear of the future, as marketing boards are being challenged more than ever. The following are some of the circumstances that will affect marketing boards in the future:

- One of the goals of the multilateral trade negotiations related to agriculture is the substantial and progressive reduction of border protection.

- Agriculture ministers are asking that interprovincial trade barriers on agricultural products be addressed in a substantive way (presently, the issue is being examined by technical experts).

- In *Growing Together – Report to the Ministers of Agriculture Task Force on Competitiveness in the Agri-Food Industry*, the Task Force recommended that

    - the government take all necessary steps to speed up the process of harmonizing standards under the Canada-U.S. Trade Agreement (CUSTA) and under the multilateral trade negotiations

    - all interprovincial trade barriers be removed as quickly as possible.

Some boards are aware of the challenges to their commodities and are welcoming the perceived changes; others are taking a wait-and-see attitude. There is a general understanding, however, that major changes are occurring rapidly and that it would be to everyone's advantage if the major players in the industry could collaborate to meet these challenges.

Appendix A
BCMB Staff Positions: Roles and Responsibilities

General Manager

- Develops British Columbia Marketing Board goals, objectives, and priorities in consultation with the Minister and the BCMB and in accordance with the legislated responsibilities of the *Natural Products Marketing (BC) Act* and *Regulations.*

- Ensures compatibility of BCMB objectives with general government policies.

- Ensures that the BCMB effectively communicates its role and responsibility to the public.

- Ensures financial accountability through preparation of annual estimates and by exercising financial control over all expenditures.

- Analyzes the marketing and economic implications of Federal/Provincial Agreements and the *Natural Products Marketing (BC) Act* and recommends appropriate legislative and program changes to enhance the viability of the economy.

- Liaises with the BCMAF in the development of new legislation and the implementation of government policy.

- Develops and implements the internal structures to achieve the Board's goals and objectives.

Manager of Administration

- Negotiates contracts that are consistent with government policies and guidelines.
- Reviews minutes and orders of marketing boards to ensure consistency with schemes and government policy.
- Answers oral or written inquiries from the general public and/or marketing boards and commissions.
- Develops and maintains publications and annual reports to enhance the interpretation of the role and responsibilities of the BCMB.
- Co-ordinates legal representation and advice.
- Composes minutes of board meetings.
- Exercises spending authority on administrative expenditures and authorizes the refunding of forfeit of appeal deposits.
- Convenes appeal hearings and drafts reasons for (underlying) the BCMB's decisions.
- Acts for General Manager in his or her absence.

Clerk Steno IV

- Provides personal and confidential secretarial support to Chairperson, General Manager, and Manager of Administration.
- Ensures that all personnel matters pertaining to staff at the BCMB are maintained accurately and confidentially.

- Performs all duties related to purchasing and accounting functions.
- Makes meeting room and hearing arrangements.
- Accepts and files notices of appeal.

O.A. II

- Dates and logs incoming mail.
- Answers and directs incoming calls.
- Xeroxes large volume of information/correspondence sent to members for information.
- Maintains log of information sent to Board members.
- Maintains filing system.

Appendix B
COMB Submission to the Secretary of the BCMB

The B.C. Federation of Agriculture

The British Columbia Federation of Agriculture is the official spokesperson for the province's agricultural industry. By way of 57 member agricultural associations and 12 regional institutes, the BCFA currently represents over 8,500 farmers.

Since its inception in the 1930's, the B.C. Federation of Agriculture has been dedicated to the survival of the family farm and to the improvement of the economic viability of farming.

The BCFA's mandate is to represent the common concerns of its membership to governments, its own members and the general public. We address these concerns with producer-run committees that advise our Executive on a number of policy issues.

A 29 member Board of Directors is elected at the annual meeting; all of its members are working farmers. The Board of Directors is headed by a President, two Vice-Presidents, and a five-person Executive committee, chosen from among its ranks. Supporting the Board and the Executive are full-time staff members, located in Victoria.

Nationally, the common concerns of farmers are represented by the Canadian Federation of Agriculture. The BCFA is a member of the CFA and fully supports its efforts.

The Council of Marketing Boards of B.C.

The COMB is a voluntary association of thirteen Boards and Commission incorporated under the *Natural Products Marketing (BC) Act.* The objects of the Council are to:

a) publicize and defend the principles of regulated and orderly marketing.

b) facilitate, by exchange of information, the solution of problems of mutual concern; and

c) advise producer organizations on the formation of new Boards or Commissions.

Current membership includes:

B.C. Chicken Marketing Board
B.C. Cranberry Marketing Board
B.C. Egg Marketing Board
B.C. Tree Fruit Marketing Board
B.C. Milk Marketing Board
B.C. Turkey Marketing Board
B.C. Broiler Hatching Egg Commission
B.C. Oyster Growers' Marketing Board
B.C. Grape Marketing Board
B.C. Sheep and Wool Commission
B.C. Vegetable Marketing Commission
B.C. Mushroom Growers' Marketing Board

Role and Operation of B.C. Marketing Board

Introduction

All of the boards and commissions fall under the supervisory jurisdiction of the B.C. Marketing Board (BCMB) and as a result the actions and direction of the Board have a direct impact on the operations of the COMB members. Recent events have given rise to a great deal of concern about the operation and role of the BCMB. The BCFA and the COMB welcome this opportunity to comment on this issue and provide a number of recommendations.

1. Role of the BCMB

There has been a widespread and definite perception on the part of COMB members that the BCMB has become a vehicle for government policy implementation. The overall climate has never been particularly favourable to marketing boards and at present, nationally and provincially, they are being examined, criticized and pressured in various ways. Producers fear there is a government attempt to reduce the authority of marketing boards which would ultimately lead to a dismantling of those boards. They perceive that the BCMB is the "leading edge of the wedge."

The Council recognizes that policy development with respect to regulated marketing under the NPMA is a legitimate process; however it feels strongly that this is a provincial government responsibility, not a BCMB role. It is the position of the COMB that there is a conflict when the supervisory body also has a policy role and may find itself sitting in appeal on policy it has initiated, approved, or directed.

Therefore the COMB recommends:

i) that the BCMB be an appellant and a supervisory body, and further that the supervisory role be limited to an audit function that ensures Boards and Commissions are operating within their legal authority, within stated public policies of the Provincial Government and following required administrative procedures.

ii) that in carrying out the two functions that appellant and supervisory roles be separated into two divisions within the BCMB.

iii) that policy development for regulated marketing be the responsibility of the BCMAF in a much more open and effective consultation process with the industry than has been the case in recent experience.

2. Appeal Function

Appeals should be the most significant aspect of the BCMB's role. Our experience has been mixed in this regard with some appeals being important in clarifying and determining a Board or Commission's authority while others are viewed as unnecessary. In many cases the appeals are unnecessarily costly to the COMB members. The COMB feels a number of improvements could be made to the current process and therefore recommends the following:

i) that the BCMB institute a mediation process in which the BCMB would appoint a mediator with agreement from both sides of the dispute. The mediation process would proceed a formal appeal to the BCMB. Mediator to be named at the discretion of the BCMB.

ii) that the BCMB develop some guidelines and criteria for submission of appeals to determine the merit of such an appeal. The guidelines for disposition of complaints (Oct. 1989) and mediation of disputes (May, 1989) of the National Farm Products Marketing Council should be examined in this context.

iii) that the BCMB investigate a process of "pre-trial conferencing" whereby the appellant would be asked to attend and summarize written arguments in a pre-hearing process. This could avoid time and costs on the part of both the appellant, COMB members and the BCMB.

iv) that the BCMB consider the amount of deposit required to submit an appeal with the viewpoint of determining a level which would not be a barrier to appeal but would be a deterrent to frivolous action. The possibility of awarding costs should also be considered.

v) that the Boards and Commissions be given the same rights of appeal to the courts as individuals on decisions of the BCMB.

3. Staffing and Office

Even with clarification of the role of the BCMB, the COMB would continue to be concerned about the independence of the BCMB if its close relationship with the BCMAF remains. The COMB therefore recommends:

i) that the office and staffing functions of the BCMB be separated from the BCMAF.

ii) that the BCMB office and staff be situated in a Lower Mainland location to better service the needs of the majority of COMB members.

iii) that the suggestion that a BCMAF staff person be made a member of the BCMB **not** be supported.

iv) that the proposal that BCMB members be assigned certain Boards and Commissions as areas of responsibility with the understanding that those members not participate in appeals involving their area of responsibility **not** be supported.

4. Personnel

Concerns have been expressed that the current limited number of appointments result in delays in scheduling of hearings. The COMB considers the appointment of members to the BCMB to be critical in effective operation of the Board. The COMB therefore recommends:

i) that additional appointments within the current allowed provision be considered to ensure the needs of the structure (supervision, appeals, mediation, pre-hearing conferencing) can be met and that all appeals can be dealt with in an effective and timely manner.

ii) that the BCMB be comprised of a mix of farmer and non-farmer appointments with the prime qualification that members must be knowledgable people who can approach problems with maximum objectivity.

Appendix C
Guidelines for the Disposition of Complaints Made Pursuant to the Farm Products Marketing Agencies Act

2) The Council shall proceed to inquire into any complaint filed with it unless, in respect to that complaint, it appears to the Council, on the face of the complaint document, that

   a) the complainant is not a person directly affected by the order, regulation or decision of an agency as claimed, or about to be so affected;

   b) the complaint is beyond the jurisdiction of the Council; or

   c) the complaint is trivial, frivolous, vexatious or not otherwise substantive.

3) The Council shall decide whether or not it will inquire into a complaint within five (5) days of its receipt.

4) When the Council decides, after discussion with the complainant, not to inquire into a complaint, it shall send a written notice of its decision to the complainant setting out its reasons.

5) The council shall retain the prerogative of deciding on the nature of the inquiry it will initiate into the complaint received.

Appendix D
Guidelines Respecting the Mediation of Disputes Involving Agencies Established Pursuant to the Farm Products Marketing Agencies Act

These guidelines are intended to help resolve disputes between persons perceiving to be directly affected by the operation of an agency established pursuant to the *Farm Products Marketing Agencies Act* and such agencies. As such, they may prevent a dispute from evolving into a complaint before the National Farm Products Marketing Council for the purpose of an enquiry to be conducted pursuant to section 7(1) of the Act.

1. Upon receipt of a request to that effect, the Council may appoint a mediator to help resolve a dispute involving a person perceiving to be directly affected by the operations of an agency established under the Act.

2. A request for mediation may be made by either a signatory to the Federal-Provincial Agreement enabling the Proclamation establishing the agency concerned, or by a non-signatory, or by the agency itself;

3. A request for mediation may be made verbally;

4. Except as provided in section 10, the Council will not act upon any request for mediation that is also the object of a complaint filed pursuant to section 7(1)(f) of the Act;

5. As soon as is practicable, the Chairperson of the Council, or the Vice-Chairperson in his absence, shall inform the other parties involved of the receipt of a request for mediation and enquire as to whether they are willing to have the dispute mediated;

6. There shall be no mediation of a dispute unless all the parties involved consent thereto;

7. The appointment of a mediator shall be the responsibility of the Chairperson of the Council, or Vice-Chairman as the case may be, subject to the agreement of the parties involved;

8. Either a member of the Council or someone who is not a member may be appointed as a mediator;

9. The mediator and the parties shall agree on the procedure to be followed in order to help resolve the dispute;

10. In the event that a complaint is made by a third-party, pursuant to section 7(1)(f) of the Act, on a matter which is already agreed to be mediated, the Chairperson of the Council, or the Vice-Chairperson as the case may be, shall inquire as to whether the third-party is willing to partake in the mediation process under way. In the affirmative, the Council shall confirm in writing to the complainant that it will not enquire into the complaint, pursuant to Section 4 of the *Guidelines for the Disposition of Complaints.* Upon being informed by the third-party that it is not willing to have the dispute mediated, the Council shall so inform the mediator and request that he immediately advise the parties having consented to the mediation that he no longer has a mandate to mediate;

11. A mediator shall not take longer than seven (7) days to mediate a dispute unless all parties agree to a longer delay;

12. As soon as is practicable thereafter, the mediator shall inform the Council of the outcome of the mediation, without commenting on the substance of the discussions;

13. Unless specifically authorized by the parties, a mediator shall not divulge to anyone, including the Council, information obtained during the course of a mediation;

14. Decisions arrived at by the parties involved in the mediation of a dispute shall not be binding on the Council;

15. A person perceiving to be directly affected by the operations of an agency may file a complaint pursuant to section 7(1)(f) of the Act if not satisfied with the outcome of the mediation of the dispute;

16. In the event that a person having consented to the mediation of a dispute subsequently files a complaint pursuant to section 7(1)(f) of the Act, the mediator, if a member of the Council, shall not be appointed a member of the panel established to enquire into said complaint or else partake in any decision of the Council on the recommendations made by the panel as a result thereof.

Appendix E
COMB Seminar Outline

Subject	Session Leader
1. Review of legislation and schemes • government processes for change • key principles	BCMAF
2. Marketing board/commission orders • how to write orders • process for change/communication	BCMAF
3. Roles and responsibilities of board members • how to be an effective representative • division of responsibilities between members/managers	Outside Consultant
4. Roles of provincial and federal boards	Outside Consultant
5. Handling of appeals and court cases	Legal Counsel
6. Developments and current practices in administrative law	Provincial Ombudsman
7. Effective communication with membership, other agencies, government, and the public	Outside Consultant
8. Public perception of marketing boards	Marktrend

Appendix F
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